

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #10	CCRB Case #: 202101119	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/06/2021 11:36 PM	Location of Incident: Intersection of Foch Boulevard and 142nd Street	Precinct: 113	18 Mo. SOL 7/6/2022	EO SOL 7/6/2022	
Date/Time CV Reported Fri, 02/19/2021 9:55 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 02/19/2021 9:55 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Daniel Mendez	05665	956922	107 PCT
2. POM Thomas Fallon	09808	966564	113 PCT
3. PO Kevin Donohue	07469	953824	107 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Steven Singh	4422	946260	113 PCT
2. POF Alana Wasserman	04175	964832	113 PCT
3. POM Ricardo Dorilus	27748	954749	113 PCT
4. POM Malik Wallace	14182	968184	113 PCT
5. POM Brian Nelson	15828	957895	113 PCT
6. POM Mark Anderson	27500	950003	102 PCT
7. PO RYAN DOHERTY	20696	951684	PBQS SU PST

Officer(s)	Allegation	Investigator Recommendation
A. PO Daniel Mendez	Abuse: Police Officer Daniel Mendez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B. PO Kevin Donohue	Abuse: Police Officer Kevin Donohue stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C. PO Daniel Mendez	Discourtesy: Police Officer Daniel Mendez spoke discourteously to § 87(2)(b)	
D. PO Daniel Mendez	Force: Police Officer Daniel Mendez used physical force against § 87(2)(b)	
E. PO Daniel Mendez	Abuse: Police Officer Daniel Mendez frisked § 87(2)(b)	
F. PO Daniel Mendez	Abuse: Police Officer Daniel Mendez searched § 87(2)(b)	
G. PO Kevin Donohue	Abuse: Police Officer Kevin Donohue frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue searched § 87(2)(b)	
I.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue frisked § 87(2)(b)	
J.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue searched § 87(2)(b)	
K.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue threatened § 87(2)(b) with the use of force.	
L.PO Kevin Donohue	Discourtesy: Police Officer Kevin Donohue spoke discourteously to § 87(2)(b)	
M.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue threatened to arrest § 87(2)(b)	
N.POM Thomas Fallon	Force: Police Officer Thomas Fallon used physical force against § 87(2)(b)	
O.PO Kevin Donohue	Force: Police Officer Kevin Donohue used physical force against § 87(2)(b)	
P.PO Daniel Mendez	Abuse: Police Officer Daniel Mendez searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
Q.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
R.PO Daniel Mendez	Abuse: Police Officer Daniel Mendez failed to provide § 87(2)(b) with a business card.	
S.PO Daniel Mendez	Abuse: Police Officer Daniel Mendez failed to provide § 87(2)(b) with a business card.	
T.PO Daniel Mendez	Abuse: Police Officer Daniel Mendez failed to provide § 87(2)(b) with a business card.	
U.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue failed to provide § 87(2)(b) with a business card.	
V.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue failed to provide § 87(2)(b) with a business card.	
W.PO Kevin Donohue	Abuse: Police Officer Kevin Donohue failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On February 19, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On January 6, 2021, at approximately 11:36 p.m., § 87(2)(b) was driving on Foch Boulevard in Queens with his friend § 87(2)(b) in the passenger seat and § 87(2)(b) in the back seat. § 87(2)(b) was pulled over by the police on the intersection of Foch Boulevard and 142nd Street (**Allegations A and B: Abuse of Authority-Vehicle Stop**, § 87(2)(g) PO Mendez and PO Donohue, of the 107th Precinct, approached § 87(2)(b)'s vehicle. While § 87(2)(b) retrieved his license, he and PO Mendez allegedly got into an argument about wearing a face mask where PO Mendez told § 87(2)(b) "I don't have to fucking put this on" (**Allegation C: Discourtesy-Word**, § 87(2)(g)). When § 87(2)(b) stepped out of the vehicle, PO Mendez allegedly pushed § 87(2)(b)'s chest toward his vehicle and kicked his legs apart (**Allegation D: Force-Physical Force**, § 87(2)(g)). PO Mendez frisked and searched § 87(2)(b) (**Allegation E: Abuse of Authority-Frisk**, § 87(2)(g)) (**Allegation F: Abuse of Authority: Search of person**, § 87(2)(g)). When § 87(2)(b) and § 87(2)(b) stepped out of the vehicle, PO Donohue conducted a frisk and search of both of their persons (**Allegation G: Abuse of Authority: Frisk**, § 87(2)(g)) (**Allegation H: Abuse of Authority: Search of person**, § 87(2)(g)) (**Allegation I: Abuse of Authority: Frisk**, § 87(2)(g)) (**Allegation J: Abuse of Authority: Search of person**, § 87(2)(g)). PO Donohue allegedly told § 87(2)(b) that he was going to "kick his ass" and "take him to fucking jail" (**Allegation K: Abuse of Authority-Threat of Force**, § 87(2)(g)) (**Allegation L: Discourtesy-Word**, § 87(2)(g)) (**Allegation M: Abuse of Authority-Threat of Arrest**, § 87(2)(g)). PO Thomas Fallon, of the 113th Precinct, arrived on scene while § 87(2)(b) was at the rear of the vehicle. PO Fallon pushed § 87(2)(b) and told him to calm down (**Allegation N: Force-Physical Force, miscellaneous**, § 87(2)(g)). PO Donohue allegedly grabbed § 87(2)(b) by the collar and his arm, pulling him to the rear of the vehicle (**Allegation O: Force-Physical Force**, § 87(2)(g)).

The three males went to the rear of the vehicle, while PO Mendez and PO Donohue searched § 87(2)(b)'s vehicle (**Allegations P and Q: Abuse of Authority-Vehicle Search**, § 87(2)(g)). Neither PO Donohue nor PO Mendez provided any of the civilians on scene with a business card (**Allegations R, S, T, U, V, and W: Abuse of Authority-Failure to provide RTKA Card**, § 87(2)(g), § 87(2)(g), § 87(4-b)).

The investigation obtained nine BWC videos from the following officers: SGT Steven Singh (**BR01, BR02**), PO Thomas Fallon (**BR01, BR03**), PO Alana Wasserman (**BR01, BR04**), PO Ricardo Dorilus (**BR01, BR05**), PO Malik Wallace (**BR01, BR06**), PO Brian Nelson (**BR01, BR07**), PO Kevin Donohue (**BR01, BR08**), PO Mark Anderson (**BR01, BR09**), PO Ryan Doherty (**BR01, BR10**).

On June 29, 2021, this case was reassigned from Investigator Jackie Manginelli to Investigator Jessica Russo for closure.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Daniel Mendez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Kevin Donohue stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

The BWC does not capture the circumstances that led to the vehicle stop.

§ 87(2)(b) (**BR11**) testified that he noticed a black unmarked vehicle following him for four blocks on Foch Boulevard. He heard a siren coming from the vehicle, after which § 87(2)(b) pulled over on 142nd Street and Foch Boulevard. Upon the officers' initial approach, PO Mendez

did not tell § 87(2)(b) why they stopped his vehicle.

§ 87(2)(b) (BR12) testified that he was in the front passenger seat when he noticed an unmarked police vehicle stationary at a red light a couple of blocks to the left of § 87(2)(b)'s vehicle. The unmarked vehicle pulled up behind § 87(2)(b)'s vehicle, where the officers activated the lights and sirens, signaling for § 87(2)(b) to pull over. § 87(2)(b) complied. When the officer approached the vehicle, PO Mendez told § 87(2)(b) that they were being pulled over because something looked, "different".

§ 87(2)(b) (BR13) testified that an unmarked police vehicle pulled § 87(2)(b)'s vehicle over for no reason.

PO Mendez (BR14) testified that while patrolling the confines of the 113th Precinct, as part of their public safety assignment, he observed a vehicle cross over the double yellow line on Foch Boulevard, which is a two-way street. PO Mendez did not remember how long the vehicle was on the opposite side of the line. After observing the vehicle for a few blocks, the officers turned on the vehicle's lights and sirens. The vehicle, which belonged to § 87(2)(b), pulled over.

PO Donohue (BR15) testified that, while driving on Foch Boulevard, PO Mendez observed a traffic infraction. PO Mendez told PO Donohue that he was going to pull the vehicle over, which was headed Westbound. PO Donohue did not recall if PO Mendez informed him of the specific traffic violation he observed. PO Donohue did not observe the infraction himself.

§ 87(2)(b), § 87(2)(g)

Allegation (C) Discourtesy: Police Officer Daniel Mendez spoke discourteously to § 87(2)(b).

PO Mendez did not have his BWC on during this incident. PO Donohue's BWC (BR01, BR08) does not capture PO Mendez's entire involvement in this incident. Between the 01:52 mark and about the 03:00 mark, PO Donohue is requesting back up by his police vehicle, while PO Mendez and § 87(2)(b) appear to have an exchange. The audio of that exchange is not caught on video. The remainder of PO Donohue's BWC does not capture PO Mendez using profanity at any point.

§ 87(2)(b) (BR11) testified that when he stepped out of his vehicle to obtain his driver's license, he and PO Mendez got into a dispute regarding wearing face masks. PO Mendez stated, "I don't have to fucking put his on." § 87(2)(b) believed PO Mendez used the word "fuck" multiple times throughout the incident.

§ 87(2)(b) (BR12) did not testify that PO Mendez used profanity during this incident.

§ 87(2)(b) (BR13) believed that PO Mendez used profanity when speaking with § 87(2)(b) but he did not remember what was specifically said.

PO Mendez (BR16) did not recall using any kind of profanity when speaking with § 87(2)(b) or any other occupant of the vehicle during this incident.

§ 87(2)(b), § 87(2)(g)

Allegation (D) Force: Police Officer Daniel Mendez used physical force against § 87(2)(b).

Sgt. Singh's BWC (BR01, BR02) shows that, at the 01:16 mark, § 87(2)(b) steps out of the vehicle and PO Mendez begins to frisk him. At the 01:37 mark, § 87(2)(b) is instructed to step to the rear of the vehicle. PO Mendez is not seen pushing § 87(2)(b) during the above referenced

encounter or at any other point in Sgt. Singh's BWC.

§ 87(2)(b) (BR11) testified that when PO Mendez instructed § 87(2)(b) to get out of the vehicle, PO Mendez pushed him by his chest, against his vehicle, kicked his legs apart, and frisked him. § 87(2)(b) did not allege that PO Mendez used force against him at any other point in the incident.

PO Mendez (BR14) testified that he did not recall pushing § 87(2)(b) or using physical force at any point in the incident.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Daniel Mendez frisked § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Daniel Mendez searched § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Kevin Donohue frisked § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Kevin Donohue searched § 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Kevin Donohue frisked § 87(2)(b)

Allegation (J) Abuse of Authority: Police Officer Kevin Donohue searched § 87(2)(b)

PO Donohue's BWC (BR01, BR08) does not capture any officer mentioning marijuana, nor does it show the presence or recovery of marijuana. From the 06:32 mark to the 07:27 mark, PO Donohue is seen frisking § 87(2)(b) including a pat down of his jacket pockets, his pants pockets, his legs, and his waistband. From the 07:45 mark to the 08:23 mark, PO Donohue is seen similarly frisking § 87(2)(b) person—jacket pocket, waist band, legs—and entering his jacket pockets. Similarly, Sgt. Singh's BWC (BR01, BR02) does not capture any officer mentioning marijuana. From the 01:17 mark to the 01:37 mark in Sgt. Singh's BWC, PO Mendez is briefly seen frisking § 87(2)(b)'s body and entering at least his right jacket pocket. Nothing is recovered from the search.

§ 87(2)(b) (BR11) testified that when he stepped out of the vehicle, PO Mendez patted him down from head to toe. PO Mendez put his hands into all of § 87(2)(b)'s pockets, including his four coat pockets and his front and back pants pockets. PO Donohue patted § 87(2)(b) and § 87(2)(b) down in the same manner; however, § 87(2)(b) did not see the extent of the frisk, as he was on the opposite side of the vehicle. § 87(2)(b) did not see if PO Donohue entered their pockets. § 87(2)(b) did not testify that there was marijuana on his person or within the vehicle.

§ 87(2)(b) (BR12) testified an officer, which he did not specifically recall, patted-him down on his entire person. The officer patted-him down from head to toe, including his waist, legs, and between his crotch. The officer opened § 87(2)(b)'s coat and patted-down his body as well. The officer did not go into § 87(2)(b)'s pockets. § 87(2)(b) did not remember which officers patted-down § 87(2)(b) and § 87(2)(b). He did not see them go into their pockets. § 87(2)(b) did not testify that there was marijuana on his person or within the vehicle.

§ 87(2)(b) (BR13) testified that the officers patted down all of the occupants—himself, § 87(2)(b) and § 87(2)(b) did not remember which officers patted him down. The officer patted down his pockets, ankles, wrists, and inside of his coat. He had his keys in his right-jacket pocket and his wallet in his back pants pocket. The officer went into all of § 87(2)(b)'s pockets, took out his belongings, and put them back into his pockets. § 87(2)(b) did not know which officers patted down his two friends, but he thought that they went into their pockets, as well. § 87(2)(b) did not testify that there was marijuana on his person or within the vehicle.

PO Mendez (BR14) testified that when § 87(2)(b) stepped out of his vehicle to retrieve his wallet from his back pocket, he noticed an odor of burnt marijuana emanating from the vehicle and not § 87(2)(b)'s person. PO Mendez did not recall if he saw smoke and he did not see any evidence of marijuana. When additional units arrived on scene, PO Mendez and the other officers began asking the occupants to step out of the vehicle, given that the odor of marijuana granted them

probable cause to search the vehicle and the persons inside. PO Mendez told § 87(2)(b) to place his hands on the top of his vehicle, after which he searched and frisked § 87(2)(b) patting down his entire body—arms, legs, ankles, waistband. PO Mendez placed his hand inside of § 87(2)(b)'s pockets, but PO Mendez did not recall which pockets, nor could he estimate how many pockets there were. PO Mendez patted down the pockets prior to entering them and did not recall what he felt during said pat downs. PO Mendez did not find any contraband on § 87(2)(b)'s person. PO Mendez did not request consent to search § 87(2)(b). PO Mendez did not recall if § 87(2)(b) protested the search of his person. The search of § 87(2)(b) lasted about a minute. PO Mendez testified that he received training in the detection of the odor of marijuana in the police academy, approximately seven years prior, in addition to one additional training after the fact. Around the time of this incident, PO Mendez encountered marijuana multiple times a day during his tours.

PO Donohue's testimony (BR15) regarding the detection of marijuana was consistent with PO Mendez's statement. PO Donohue was not certain who asked § 87(2)(b) to step out of the vehicle, but he was certain it was not him. PO Donohue could not see if an officer searched, or frisked § 87(2)(b) given that PO Donohue was on the passenger side. PO Donohue asked § 87(2)(b) and § 87(2)(b) to step out one at a time, but he did not remember the order in which he did so. Once each of the passengers stepped out, PO Donohue conducted a frisk and search of their persons. He conducted a full pat down of their bodies from head to toe, grabbing outside of the clothing. He did not recall if he went into any of their pockets. When asked what a search entailed, PO Donohue described the pat down. PO Donohue did not recover anything from either of the passengers during the frisk. PO Donohue did not recall if the passengers were informed that they would be searched or frisked prior to him making physical contact. He did not recall to either individual protesting his search or frisk of their persons. PO Donohue testified that he received training in the detection of marijuana at the police academy in 2013 and shortly after his graduation. He added that he encountered marijuana every day at work in the year 2021.

People v. Chestnut 43 A.D.2d 260 found that the smell of marijuana alone is sufficient to conduct a search of a vehicle and all of its occupants (BR17).

§ 87(2)(b), § 87(2)(g)

Allegation (K) Abuse of Authority: Police Officer Kevin Donohue threatened § 87(2)(b) with the use of force.

Allegation (L) Discourtesy: Police Officer Kevin Donohue spoke discourteously to § 87(2)(b).

Allegation (M) Abuse of Authority: Police Officer Kevin Donohue threatened to arrest § 87(2)(b).

PO Donohue's BWC (BR01, BR08), which captures the entire incident, does not capture him saying "Kick your ass" to anyone, nor does it capture any other threats of force or profanities. The footage also fails to capture PO Donohue telling § 87(2)(b) or anyone that he will "take him to fucking jail" or threatening anyone with arrest.

§ 87(2)(b) (BR11) testified that PO Donohue got into a verbal argument with § 87(2)(b) where he made a statement to § 87(2)(b) that resembled, "kick your ass".

§ 87(2)(b) (BR12) testified that, when the officers asked him to step out of the vehicle, he asked why, after which the officers reiterated to get out of the car. PO Donohue told § 87(2)(b) that if he did not get out of the car that he would, "Take him to fucking jail." § 87(2)(b) did not mention PO Donohue saying he would "kick [his] ass".

§ 87(2)(b) (BR13) did not testify that PO Donohue used profanity when speaking with § 87(2)(b).

§ 87(2)(g)

Allegation (N) Force: Police Officer Thomas Fallon used physical force against § 87(2)(b).

PO Fallon's BWC (BR01, BR03) shows that, at the 03:52 mark, PO Fallon pushes § 87(2)(b) back towards his vehicle and tells him to stay back and calm down.

Neither § 87(2)(b) (BR11), § 87(2)(b) (BR12), nor § 87(2)(b) (BR13) testified that PO Fallon pushed § 87(2)(b).

The Department Advocate's Office (DAO) confirmed that PO Fallon's resignation was pending as of September 8, 2021 (BR18).

§ 87(2)(g)

Allegation (O) Force: Police Officer Kevin Donohue used physical force against § 87(2)(b).

PO Donohue's BWC (BR01, BR08), which captures the entire incident, did not show him pushing any civilians or using force throughout the entire incident.

§ 87(2)(b) (BR11) testified that PO Donohue grabbed him by the collar of his jacket and his arm, pulling him to the rear of his vehicle. He also did the same to § 87(2)(b) and § 87(2)(b).

Neither § 87(2)(b) (BR12) nor § 87(2)(b) (BR13) testified to PO Donohue using force against them.

§ 87(2)(g)

Allegation (P) Abuse of Authority: Police Officer Daniel Mendez searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (Q) Abuse of Authority: Police Officer Kevin Donohue searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

PO Donohue's BWC (BR01, BR08) captures his entire involvement in the vehicle search, as well as part of PO Mendez's search of the vehicle. At 08:31, PO Donohue begins searching inside of the vehicle, starting at the rear. He looks inside of the small, black backpack on the backseat. It is unclear what he sees inside of the bag, except a stack of masks, due to the heavy reflection of his flashlight. He looks into the back-console area between the seats at the rear of the vehicle. At 09:42, he searches the glove compartment of the vehicle. He searches under the seats and in the center console area. At 10:20, PO Mendez is seen searching the driver's side of the vehicle, including the center console. There is no contraband visibly recovered from the search.

§ 87(2)(b) (BR11) testified that PO Mendez and PO Donohue searched the entirety of § 87(2)(b)'s vehicle. They searched all of the seats, under the seats, and the glove compartment. They did not go into the trunk of § 87(2)(b)'s vehicle.

§ 87(2)(b) (BR12) testified that the officers, who § 87(2)(b) did not know but possibly the first officers that pulled them over, searched § 87(2)(b)'s car under the hood, in the seat areas, and in the trunk.

§ 87(2)(b) (BR13) testified that the officers, including PO Mendez, searched the vehicle without § 87(2)(b)'s consent. They searched the seats, the trunk, the center console, and the glove compartment.

PO Mendez (BR14) testified that when § 87(2)(b) stepped out of his vehicle to retrieve his wallet from his back pocket, he noticed an odor of burnt marijuana emanating from the vehicle and not § 87(2)(b)'s person. PO Mendez did not recall if he saw smoke and he did not see any

evidence of marijuana. PO Mendez received training in the detection of marijuana at the police academy and after the fact; he also encountered marijuana multiple times a day prior to this incident. Said detection granted the officers the probable cause to search the vehicle. When the passengers were outside of the vehicle, PO Mendez and PO Donohue searched the interior of § 87(2)(b)'s vehicle to search for contraband. PO Mendez entered the vehicle on the driver's side, searching the area where the driver sits—underneath the seat and the general area. He opened and searched inside of the center console. PO Mendez proceeded to the rear passenger seat behind the driver, where he checked the area behind the driver's seat, as well as on top and underneath the rear passenger seat. PO Mendez did not recall going anywhere else in the vehicle. PO Donohue searched the front passenger seat and the rear seat behind it. PO Donohue found marijuana in a bag that was in the rear passenger seat of the vehicle. PO Mendez did not see PO Donohue recover the marijuana and only became aware when PO Donohue told him after the search was concluded. PO Mendez did not recall how much marijuana was recovered or how it was packaged. PO Mendez was not aware of what was done with the marijuana that PO Donohue found. The officers did not issue a summons for the marijuana, as they decided to admonish the crime.

PO Donohue's testimony (BR15) is consistent with PO Mendez's regarding the initial detection of the odor of marijuana. He received training in the detection of marijuana in the police academy in 2013, as well as after his graduation; he also encountered marijuana every day on the job in the year 2021. When he and PO Mendez began the search of the vehicle, PO Donohue conducted a search of the front passenger seat, including the general area on the seat, underneath the seat, in the glove compartment, the center console, and the overhead visors—anything within the grabbable area of the front passenger side. He searched the backseat on the passenger side—including the actual seat area, underneath the seat, and within the cup holder compartment between the two back passenger seats. There was a small black satchel on the back seat—about 12 inches—that PO Donohue opened and searched. PO Donohue did not recall how many compartments or zippers were in the black bag. PO Donohue did not recall looking through any other bags or clothing items, aside from the black satchel. PO Donohue recovered a small quantity of vegetated or fresh marijuana—about one gram—from the inside of the black bag, which was packaged in a clear Ziplock bag. PO Donohue did not recall where specifically within the bag the marijuana was located, but he testified that he left it where it was found. While PO Donohue searched the vehicle, PO Mendez conducted a search of the driver's side of the vehicle, which PO Donohue did not specifically recall seeing. PO Mendez and PO Donohue decided to provide a warning instead of issuing a summons for the marijuana.

People v. Chestnut 43 A.D.2d 260 found that the smell of marijuana alone is sufficient to conduct a search of a vehicle and all of its occupants (BR17).

§ 87(2)(b), § 87(2)(g)

Allegation (R) Abuse of Authority: Police Officer Daniel Mendez failed to provide § 87(2)(b) with a business card.

Allegation (S) Abuse of Authority: Police Officer Daniel Mendez failed to provide § 87(2)(b) with a business card.

Allegation (T) Abuse of Authority: Police Officer Daniel Mendez failed to provide § 87(2)(b) with a business card.

Allegation (U) Abuse of Authority: Police Officer Kevin Donohue failed to provide § 87(2)(b) with a business card.

Allegation (V) Abuse of Authority: Police Officer Kevin Donohue failed to provide § 87(2)(b)

§ 87(2)(b) with a business card.

Allegation (W) Abuse of Authority: Police Officer Kevin Donohue failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) (BR11) did not testify to requesting or receiving business cards from the officers. He did not receive a summons at the result of the incident.

§ 87(2)(b) (BR12) and § 87(2)(b) (BR13) consistently testified that they did not request business cards from the officers, nor did they receive any. They testified that the officers did not issue any summonses at the result of the incident.

PO Mendez (BR14) did not provide a business card at the result of the incident because it is not required when the encounter can result in an arrest or summons. He understood that he was not required to provide a business card even though a summons was not issued, and an arrest was not made.

PO Donohue (BR15) did not provide any of the passengers, including § 87(2)(b) with a business card because the initial stop of the vehicle was for a traffic stop, which is a “summonsable” offense that does not require the issuance of a business card, despite their not issuing a summons or effecting an arrest at the result of the incident.

New York City Administrative Code § 14-174 notes that officers must offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons, including searches of persons and vehicles (BR19).

Patrol Guide Procedure 203-09 states that officers must offer pre-printed Right to Know Business Card upon the conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present (BR29).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one other CCRB complaint, where he was listed as a witness (BR20).
- This was the first complaint to which § 87(2)(b) has been a party (BR21).
- This was the first complaint to which § 87(2)(b) has been a party (BR22).
- PO Mendez has been a member of service for seven years. He was listed as the subject in three other CCRB complaints and seven allegations, two of which were substantiated:
 - 201608465 involved a substantiated allegation of abuse-other, where PO Mendez received formalized training.
 - 202003753 involves a substantiated allegation of force-nightstick as club, where PO Mendez received command discipline-A.
- PO Donohue has been a member of service for eight years and this is the first complaint to which he has been named a subject.
- PO Fallon was pending resignation as of September 8, 2021. While active, he was listed as

a subject in two other CCRB complaints and six allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- The Office of the New York City Comptroller confirmed that none of the parties involved filed a notice of claim regarding this incident (**BR28**).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 10

Investigator: Jessica Russo Investigator Jessica Russo 02/02/2022
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 2/3/2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date